

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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ANNA LANGE,

Plaintiff-Appellee

v.

HOUSTON COUNTY, GEORGIA, *et al.*,

Defendants-Appellants

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

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UNOPPOSED MOTION OF THE UNITED STATES  
TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE

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KRISTEN CLARKE

Assistant Attorney General

TOVAH R. CALDERON

JASON LEE

Attorneys

U.S. Department of Justice

Civil Rights Division

Appellate Section

Ben Franklin Station

P.O. Box 14403

Washington, D.C. 20044-4403

(202) 598-1317

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**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

In accordance with Eleventh Circuit Rules 26.1-1, 26.1-2, and 26.1-3, the United States as amicus curiae certifies that, in addition to those identified in the briefs filed by defendants-appellants and plaintiff-appellee, the following persons may have an interest in the outcome of this case:

1. Calderon, Tovah R., U.S. Department of Justice, Civil Rights Division, counsel for the United States;
2. Clarke, Kristen, U.S. Department of Justice, Civil Rights Division, counsel for the United States;
3. Lee, Jason, U.S. Department of Justice, Civil Rights Division, counsel for the United States.

The United States certifies that no publicly traded company or corporation has an interest in the outcome of this appeal.

s/ Jason Lee  
JASON LEE  
Attorney

Date: September 26, 2023

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 22-13626

ANNA LANGE,

Plaintiff-Appellee

v.

HOUSTON COUNTY, GEORGIA, *et al.*,

Defendants-Appellants

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Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the United States respectfully seeks permission to participate in oral argument in this case. In support of this motion, the United States provides as follows:

1. On March 17, 2023, the United States filed a brief as amicus curiae in support of plaintiff-appellee.
2. This Court has scheduled oral argument in the case for November 14, 2023.

3. The United States has a substantial interest in this appeal. The case raises the question whether an employer violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2(a), if it denies health insurance coverage for medically necessary gender-affirming care, when the care would otherwise be covered if provided for some other medically necessary reason. The case also concerns the circumstances under which a third-party entity may be liable under Title VII as an agent of an employer when the entity provides and administers health insurance benefits on behalf of the employer to the employer's employees. The Attorney General and the Equal Employment Opportunity Commission share enforcement authority under Title VII. See 42 U.S.C. 2000e-5(a) and (f)(1). Title VII also applies to the United States as an employer. 42 U.S.C 2000e-16.

4. Because of the federal government's strong interests in the proper interpretation and application of Title VII, the United States filed a brief as *amicus curiae* in support of plaintiff-appellee. The brief argued that the Court should affirm two aspects of the district court's summary-judgment ruling—specifically, the district court's conclusions that (1) a health insurance plan facially discriminates based on sex if it denies coverage for medical care only when the care is provided to align an individual's sex characteristics to match their gender identity, instead of their sex assigned at birth, and (2) under ordinary agency principles, a third party may be subject to suit under Title VII as an agent of a

covered employer where it provides and administers health insurance benefits for the employer's employees.

5. Given those same interests, the United States now requests leave to participate in the oral argument of this appeal and believes that its participation would be helpful to the Court.

6. Counsel for plaintiff-appellee consents to the United States' participation at oral argument and has agreed to cede a portion of their argument time to the United States. Therefore, the United States' participation at oral argument would not affect the overall time allotted for this case.

7. Counsel for defendants-appellants does not oppose the United States' motion.

WHEREFORE, the United States respectfully requests leave to participate in the oral argument of this appeal.

Respectfully submitted,

KRISTEN CLARKE  
Assistant Attorney General

s/ Jason Lee  
TOVAH R. CALDERON  
JASON LEE  
Attorneys  
U.S. Department of Justice  
Civil Rights Division  
Appellate Section  
Ben Franklin Station  
P.O. Box 14403  
Washington, D.C. 20044-4403  
(202) 598-1317

## **CERTIFICATE OF COMPLIANCE**

I certify that the attached UNOPPOSED MOTION OF THE UNITED STATES TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE:

(1) complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 32(f), it contains 434 words; and

(2) complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365, in 14-point Times New Roman font.

s/ Jason Lee

JASON LEE

Attorney

Date: September 26, 2023

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2023, I electronically filed the foregoing UNOPPOSED MOTION OF THE UNITED STATES TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Jason Lee  
JASON LEE  
Attorney